
PRELIMINARY DRAFT

No. 3309

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2012 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 7.1-5-7-8.5.

Synopsis: Social host liability. Requires a person at least 21 years of age who knows that a minor is possessing an alcoholic beverage on the person's property to: (1) prohibit the minor from possessing the alcoholic beverage; (2) confiscate the alcoholic beverage; and (3) immediately contact the minor's parent, guardian, or custodian; unless the alcoholic beverage is possessed in connection with a religious observation, in the presence of the minor's parent, or at a postsecondary educational institution. Makes a violation a Class C infraction, or a Class B infraction if the person knows that six or more minors possessed an alcoholic beverage or if the person has been adjudged to have committed a prior violation. Provides that a person may be charged with a violation no more than one time per day. Specifies that a judgment for a violation is in addition to any criminal penalty that may be imposed for contributing to the delinquency of a minor.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 7.1-5-7-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a) This section does not apply to a minor who consumes an alcoholic beverage:**

- (1) in connection with a religious observation;**
- (2) in the presence of the minor's parent, guardian, or custodian; or**
- (3) at a postsecondary educational institution.**

(b) A person at least twenty-one (21) years of age who knows that a minor is possessing an alcoholic beverage on property owned, leased, or controlled by the person shall:

- (1) prohibit the minor from possessing an alcoholic beverage on the person's property;**
- (2) confiscate the alcoholic beverage, if this can be done without breaching the peace; and**
- (3) immediately contact the minor's parent, guardian, or custodian, if possible.**

(c) A person who violates subsection (b) commits a Class C infraction. However, the violation is a Class B infraction if:

- (1) the number of minors that the person knows possessed an alcoholic beverage is six (6) or more; or**
- (2) the person has a prior unrelated judgment for a violation of this section.**

(d) A person may be charged with a violation of this section no more than one (1) time per day.

(e) A judgment imposed for a violation of this section is in addition to any criminal penalty that may be imposed for contributing to the delinquency of a minor (IC 35-46-1-8).

